

**Illinois Department of Revenue
Regulations**

Title 86 Part 215 Section 215.125 Disposition of Proposed Assessments
--

**TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE**

**PART 215
INFORMAL CONFERENCE BOARD**

Section 215.125 Disposition of Proposed Assessments

- a) Offers of disposition of a proposed audit adjustment may be proposed to the ICB or by the ICB. The ICB shall consider disposing of the matter in controversy in all instances where, having made a reasonable evaluation of such matters, the ICB determines that there is uncertainty as to the correctness of the proposed audit adjustments and it is not in the best interest of the Department to issue an assessment or claim denial with respect to the issue.
- b) Offers of disposition shall be tendered in writing to the ICB on a form prescribed by the Department. Disposition offers may be submitted with the initial request to the ICB or at any point during ICB review prior to the issuance of an Action Decision. The offer shall include specific proposed net dollar amounts, identification of issues to be conceded, in whole or in part, by either party, and the supporting rationale for acceptance of the offer. The ICB may also consider a request for penalty waiver as part of the offer. Any offer received may be accepted, rejected or countered by the ICB and the taxpayer or its representative shall be notified of the ICB's decision with regard to the offer as part of the Action Decision.
- c) Statements made by a taxpayer in the written offer of disposition will be considered to be made in the course of good faith negotiations and will not be admissible against the taxpayer in any further proceedings with regard to the matter in controversy.
- d) When a decision has been reached by the ICB, an Action Decision setting forth the terms and conditions of the proposed disposition shall be issued. As with all other Action Decisions issued by the ICB after informal review or in-person conference, the Action Decision must be approved by no fewer than 2 of the 3 members of the ICB panel assigned to the matter.
- e) An approved Action Decision setting forth the conditions of the proposed disposition submitted in accordance with this Section becomes effective when executed by the taxpayer or its representative.

(Source: Amended at 31 Ill. Reg. 8535, effective June 1, 2007)